

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE  
PROCEEDINGS :

**DOH 17-08**

RE: DANIEL PETERSON, RN :

License No. R040467 :

Licensee. :

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER OF SUSPENSION**

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The South Dakota Board of Nursing's ("South Dakota Board") hearing on the summary suspension of Daniel Peterson, RN, license number R040467 ("Licensee") came before the Board at its office in Sioux Falls, South Dakota, on October 23, 2017, at 1:00 p.m.

Licensee, having been served with the Order for Summary Suspension and Notice of Hearing, along with the Affidavit of Francie Miller (as evidenced by the Affidavit of Mailing entered into evidence as Exhibit 2), did not appear in person to present evidence on his behalf or to confront witnesses. The South Dakota Board appeared by and through its attorney, Kristine K. O'Connell. Administrative Law Judge Catherine Duenwald presided over the proceeding.

The South Dakota Board considered the evidentiary testimony of Francie Miller, Board Investigator. The South Dakota Board also considered Exhibits numbered 1 and 3 that were entered into evidence, and being charged with the statutory obligation to protect the public health, safety and welfare set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

## **FINDINGS OF FACT**

1. That Daniel Peterson is licensed to practice as a registered nurse in the State of South Dakota and holds license number R040467.
2. That on or about October 26, 2016, the North Dakota Board of Nursing ("North Dakota Board") received a potential violations report on the Licensee while he was working as a nurse in North Dakota.
3. In the report, it was noted that the Licensee's medication administration audit showed discrepancies in regard to his administration of fentanyl.
4. One of the discrepancies was Licensee's failure to account for two doses of fentanyl.
5. Licensee also failed to follow applicable orders (for example: the pain score charted by the Licensee did not match the dose of fentanyl administered for the dose/range orders according to the pain scale).
6. Licensee failed to follow the employer's wasting policy and had 19 incidents where he improperly charted the wasting of fentanyl after administering the medication.
7. Licensee committed numerous documentation errors and inaccuracies.
8. Following the investigation, the North Dakota Board issued a Cease and Desist from Practice in the State of North Dakota to the Licensee.
9. Licensee denied diversion of narcotics, but admitted that he failed to follow his employer's policies, and that he made numerous charting errors, and had documentation discrepancies.

10. When the South Dakota Board received the information regarding Licensee's practice issues in North Dakota, the South Dakota Board's investigator attempted to call the Licensee by phone and also attempted to contact him via U.S. mail.

11. All efforts to contact the Licensee by the South Dakota Board were unsuccessful and the South Dakota Board received no response from Licensee.

12. On or about May 16, 2017, the Licensee was contacted by the South Dakota Board via U.S. mail, offering an Agreed Upon Disposition of his case to include a term of probation with a mandate into the Health Professionals Assistance Program ("HPAP").

13. Licensee contacted Jill Viedt of HPAP indicating to her that he "may follow through" with participation in HPAP.

14. HPAP gave Licensee a deadline to return the paperwork needed to enter the program.

15. Licensee failed to return the paperwork within the requisite time.

16. That following the above, the South Dakota Board was notified by HPAP of Licensee's non-compliance.

17. Summary suspension was then commenced against Licensee.

From the foregoing findings of fact, the Board draws the following:

### CONCLUSIONS OF LAW

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49

2. That the Licensee's conduct as identified in the findings of fact is in violation of SDCL §§ 36-9-49 (5), (6), (7) and (10).

THEREFORE, let an order be entered accordingly.

### ORDER

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

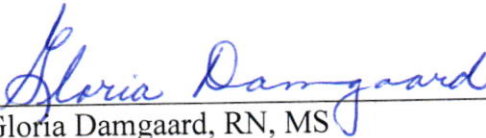
1. That the Licensee's license to practice nursing in the State of South Dakota is hereby indefinitely suspended.

2. That the Licensee is hereby notified that any practice of or holding himself out as a registered nurse during the term of this suspension is in violation of SDCL § 36-9-68.

4. That Licensee may petition for reinstatement of his license at any time for "good cause" pursuant to SDCL § 36-9-57.

Dated this 1<sup>st</sup> day of November, 2017.

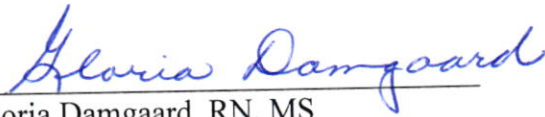
SOUTH DAKOTA BOARD OF NURSING

  
Gloria Damgaard, RN, MS  
Executive Director

The South Dakota Board of Nursing, at the hearing on the 23<sup>th</sup> day of October, 2017, approved and issued this Order of Suspension as written by a vote of 7-0, and issues its Order of Suspension consistent herein.

IT IS HEREBY ORDERED that the above Order of Suspension is adopted as an Order of the South Dakota Board of Nursing on this 1<sup>st</sup> day of November, 2017.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director